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**FILED**  
April 19, 2007

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF \_\_\_\_\_ :

ROBERT GEORGE RANELLE, D.O. :  
License No. MB79026 :

Administrative Action

TO PRACTICE MEDICINE AND SURGERY :  
IN THE STATE OF NEW JERSEY :

CONSENT ORDER

THIS MATTER was opened to the New Jersey State Board of Medical Examiners (hereafter "Board") upon receipt of information that on or about August 25, 2006, Robert George Ranelle (hereafter "Respondent") entered into an Agreed Order ("Exhibit A") with the Texas Medical Board.

More specifically, the Agreed Order provides that Respondent failed to meet the standard of care and failed to maintain adequate

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medical records in connection with three patients. As a result, Respondent agreed to various terms and conditions for a period of three years commencing on August 25, 2006 as more fully set forth in the Agreed Order.

As a result of the foregoing, the Board has determined that the Respondent's acts giving rise to the Agreed Order entered by the Texas Medical Board provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 27 day of February, 2007, ORDERED AND AGREED that prior to commencing the active practice of medicine and surgery in the State of New Jersey, Respondent shall be required to appear before the Board or a Committee thereof to demonstrate: (1) fitness to practice; and (2) that he is in full compliance with the Agreed Order of the Texas Medical Board. Additionally, the Board reserves the right to place restrictions and/or limitations upon Respondent's license to practice in the State of New Jersey.

STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, M.D.  
SINDY PAUL, M.D.  
Board President

I have read and I understand  
this Consent Order and agree to be  
bound by its terms. I further  
hereby consent to the entry of  
this Consent Order.

Robert George Ranelle *as*  
ROBERT GEORGE RANELLE, D.O.

LICENSE NO. H-3598

IN THE MATTER OF  
THE LICENSE OF  
ROBERT GEORGE RANELLE, D.O.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 25<sup>th</sup> day of August, 2006, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Robert George Ranelle, D.O. ("Respondent").

On July 28, 2006, Respondent appeared in person, with counsel Michael Wallach, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Roger Calhoun represented Board staff. The Board's representatives were Roberta Kalafut, D.O., a member of the Board, and Sharon J. Barnes, a member of the District Review Committee.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. H-3598. Respondent was originally issued this license to practice medicine in Texas on June 15, 1988. Respondent is also licensed to practice in New Jersey.
3. Respondent is primarily engaged in the practice of orthopedic surgery. Respondent is board certified in this specialty by the American Osteopathic Board of Orthopedic Surgery.
4. Respondent is 51 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.
6. Board staff alleged Respondent failed to meet the standard of care and failed to maintain adequate medical records for patients K.T., D.S. and F.K.

7. Patient K.T.

- a. Patient K.T. presented to Respondent with back pain and radicular pain. The primary complaint was low back pain, and a degenerative disc was described at L4-5 and another degenerative disc was described at L5-S1. The preoperative note only indicated low back pain and a decision to do decompression. Respondent's handwritten notes indicate that the left lower extremity has more symptoms than the right, but there is no description of any focal neurologic deficit or discussion of the indications for nerve root decompression. Respondent performed a laminectomy, discectomy L5-S1 left and fusion L4 to S1.
- b. The Board's representatives found that Respondent's notes do not contain adequate information to justify the procedure. Also, there was inadequate documentation of conservative care, functioning level, level of pain and general disability.

8. Patient D.S.

- a. Patient D.S. was an 82-year-old female who had had an old fracture of the thoracic spine with an anterior fusion. She presented to Respondent's office with symptoms of back pain. The preoperative MRI demonstrates a high-grade stenosis at T12 primarily from previous graft placement, which appeared to be cortical type graft extending from the mid body of T11 through the vertebral plana of T12 into L1. There was neural effacement identified at this level, which was at the level of the conus. Respondent performed a decompression and fusion of the thoracic and lumbar spine from T12 to L2. The patient woke up paraplegic and then had a series of procedures done to try to define further the area of compression and whether there was a postoperative hematoma. After the patient became paraplegic Dr. Ranelle consulted neurosurgery to evaluate the patient.
- b. The Board's representatives found that Respondent's notes do not contain adequate information to justify the procedure.

9. Patient F.K.

- a. Patient F.K. had severe low back pain and radicular symptoms into his legs. His left leg was much worse than his right. Respondent performed an anterior/posterior fusion from L4 to S1 with decompression.
  - b. The Board's representatives found that Respondent's notes do not contain adequate information to justify the procedure. Also, Respondent's post-operative notes do not adequately document the patient's progress.
10. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare.
3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of Board Rule 165, which requires the maintenance of adequate medical records.
4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.
5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

## ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that: Respondent is placed under the following terms and conditions for three years from the date of the signing of this Order by the presiding officer of the Board:

1. Prior to performing non-emergent spine surgery, Respondent shall obtain a written consultation from a licensed Texas physician who at the time of the consultation is certified by the American Board of Medical Specialties, the American Osteopathic Board of Orthopedic Surgery or the American Osteopathic Board of Surgery in either orthopedic or neurologic surgery. Any such written consultations obtained by Respondent shall be included in the respective patient's medical records and made available for immediate review and copying during regular office hours upon the oral or written request of Board compliance officers, investigators, attorneys, or other Board staff.

For purposes of this Order, an emergent spine surgery shall be defined as spine surgery performed because of acute paralysis or imminent paralysis or cauda equina syndrome.

2. While under the terms of this Order, Respondent's practice shall be monitored by a physician ("monitor"), in accordance with §164.001(b)(7) of the Act. The Compliance Division of the Board shall designate the monitor and may change the monitor at any time for any reason. The monitor shall have expertise in a similar specialty area as Respondent. The Compliance Division shall provide a copy of this Order to the monitor, together with other information necessary to assist the monitor.

a. As requested by the Compliance Division, Respondent shall prepare and provide complete legible copies of selected spinal patient medical and billing records ("selected records"). The Compliance Division shall select records for at least thirty spinal patients seen by Respondent during each three-month period following the last day of the month of entry of this Order ("reporting period"). The Compliance Division may select records for more than thirty patients, up to ten percent of the patients seen during a reporting period. If Respondent fails to see at least thirty spinal patients during any three-month period, the term of this Order shall be extended until Respondent can submit a sufficient number of records for a monitor to review.

b. The monitor shall perform the following duties:

1) Personally review the selected records;

- 2) Prepare written reports documenting any perceived deficiencies and any recommendations to improve Respondent's practice of medicine or assist in the ongoing monitoring process. Reports shall be submitted as requested by the Compliance Division; and
  - 3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice.
- c. The Compliance Division shall provide to Respondent a copy of any deficiencies or recommendations submitted by the monitor. Respondent shall implement the recommendations as directed by the Compliance Division.
  - d. The monitor shall be the agent of the Board, but shall be compensated by the Respondent through the Board. Such compensation and any costs incurred by the monitor shall be paid by Respondent to the Board and remitted by the Board to the monitor. Respondent shall not charge the compensation and costs paid to the monitor to any patients.
3. For each year of this Order, Respondent shall enroll in and successfully complete a course or courses in medical record keeping of at least eight hours in duration, approved in writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.
  4. For each year of this Order, Respondent shall enroll in and successfully complete a course or courses in spine topics of at least 20 hours in duration, approved in writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.
  5. Respondent shall pay an administrative penalty in the amount of \$15,000 by cashier's checks or money orders payable to the Texas Medical Board and submitted to the Director of

Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund in accordance with the following payment schedule:

Respondent shall pay \$5000 per year for three years. The first payment of \$5000 shall be within 90 days of the entry of this Order. Subsequent yearly payments shall be on or before the anniversary date of the initial payment. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

7. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

8. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

9. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

10. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

11. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that ten days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30 day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

12. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12-month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, ROBERT GEORGE RANELLE, D.O., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: August 22, 2006.

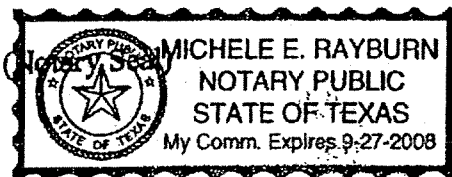
Robert George Ranelle  
ROBERT GEORGE RANELLE, D.O.  
RESPONDENT

STATE OF TEXAS  
COUNTY OF TARRANT

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public,  
on this 22<sup>nd</sup> day of August, 2006.

Michele E. Rayburn  
Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
25<sup>th</sup> day of August, 2006.

Larry Pinedo  
for Roberta M. Kalafut, D.O., President  
Texas Medical Board